

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 EVAN RAY ATKINSON,

12 Defendant.

3:22-CR-00004-ART-CSD

**Final Order of Forfeiture**

13 The United States District Court for the District of Nevada entered a Preliminary  
14 Order of Forfeiture under Fed. R. Crim. P. 32.2(b)(1) and (b)(2) and 18 U.S.C. § 844(c)(1)  
15 based upon the plea of guilty by Evan Ray Atkinson to the criminal offense, forfeiting the  
16 property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal  
17 Indictment and shown by the United States to have the requisite nexus to the offense to  
18 which Evan Ray Atkinson pled guilty. Criminal Indictment, ECF No. 14; Change of Plea,  
19 ECF No. 52; Plea Agreement, ECF No. 57; Preliminary Order of Forfeiture, ECF No. 61.

20 This Court finds that on the government's motion, the Court may at any time enter  
21 an order of forfeiture or amend an existing order of forfeiture to include subsequently  
22 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

23 This Court finds the United States published the notice of forfeiture in accordance  
24 with the law via the official government internet forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov),  
25 consecutively from September 9, 2022, through October 8, 2022, notifying all potential third  
26 parties of their right to petition the Court. Notice of Filing Proof of Publication Exhibits,  
27 ECF No. 71-1, p. 5.

28 / / /

1 This Court finds the United States notified known third parties by regular mail and  
2 certified mail return receipt requested of their right to petition the Court. Notice of Filing  
3 Service of Process – Mailing, ECF No. 62.

4 On September 6, 2022, the United States Attorney's Office served Lacey R. Wallin,  
5 Secretary, Treasurer, & Director of Merritt Construction, Inc. by regular and certified return  
6 receipt mail with the Preliminary Order of Forfeiture and the Notice. Notice of Filing  
7 Service of Process – Mailing, ECF No. 62-1, p. 3, 6-17.

8 On September 6, 2022, the United States Attorney's Office served Merritt  
9 Construction, Inc., c/o Tammie Merritt, Registered Agent, by regular and certified return  
10 receipt mail with the Preliminary Order of Forfeiture and the Notice through the PO Box.  
11 Notice of Filing Service of Process – Mailing, ECF No. 62-1, p. 3, 6-13, 18-20.

12 On September 6, 2022, the United States Attorney's Office attempted to serve Merritt  
13 Construction, Inc., c/o Tammie Merritt, Registered Agent, by regular and certified return  
14 receipt mail with the Preliminary Order of Forfeiture and the Notice on Highway 95. The  
15 mail was returned as not deliverable as addressed. Notice of Filing Service of Process –  
16 Mailing, ECF No. 62-1, p. 3, 6-13, 21-25.

17 On September 6, 2022, the United States Attorney's Office served Merritt  
18 Construction, Inc., c/o Tammie Merritt, Registered Agent, by regular and certified return  
19 receipt mail with the Preliminary Order of Forfeiture and the Notice on Front Street. Notice  
20 of Filing Service of Process – Mailing, ECF No. 62-1, p. 3, 6-13, 26-30.

21 On September 6, 2022, the United States Attorney's Office served Richard Merritt by  
22 regular and certified return receipt mail with the Preliminary Order of Forfeiture and the  
23 Notice on Front Street. Notice of Filing Service of Process – Mailing, ECF No. 62-1, p. 3, 6-  
24 13, 31-33.

25 On September 6, 2022, the United States Attorney's Office served Richard Merritt by  
26 regular and certified return receipt mail with the Preliminary Order of Forfeiture and the  
27 Notice through the PO Box. Notice of Filing Service of Process – Mailing, ECF No. 62-1, p.  
28 3, 6-13, 34-36.

1 This Court finds no petition was filed herein by or on behalf of any person or entity  
2 and the time for filing such petitions and claims has expired.

3 This Court finds no petitions are pending regarding the property named herein and  
4 the time has expired for presenting such petitions.

5 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
6 all possessory rights, ownership rights, and all rights, titles, and interests in the property  
7 hereinafter described are condemned, forfeited, and vested in the United States under Fed.  
8 R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. § 844(c)(1);  
9 and 21 U.S.C. § 853(n)(7) and shall be disposed of according to law:

- 10 1. 39 sticks of Dyno Nobel, DYNOSPLIT D, Dynamite;
- 11 2. 52 Dyno Nobel, Trojan Spartan 200 Gram Boosters;
- 12 3. 19 Dyno Nobel, 10 Gram Stinger Boosters;
- 13 4. 121 Martin & Shaft LLC Pull Wire Fuse Lighters;
- 14 5. 2,200 feet of Austin Powder Company Lite Line (15 grain) Detonating  
15 Cord;
- 16 6. 2,100 feet Ensign Bickford Primacord (50 grain) Detonating Cord;
- 17 7. 1,100 feet Austin Powder Company A-Cord (25 grain) Detonating Cord;
- 18 8. 1,000 feet unknown manufacturer Time/Safety Fuse;
- 19 9. 2,000 feet Atlas Powder Company #25 (25 grain) Detonating Cord; and
- 20 10. 2,400 feet ORICA, Cordtex 18 (18 grain) Detonating Cord, or  
21 comparable explosives compound  
22 (all of which constitutes property).

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the property  
24 shall be disposed of according to law.

25 / / /

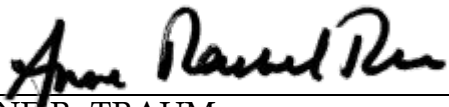
26 / / /

27 / / /

28 / / /

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
2 copies of this Order to all counsel of record.

3 DATED November 10, 2022.

4  
5   
6 \_\_\_\_\_  
7 ANNE R. TRAUM  
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28